



Ohio Administrative Code

Rule 5180:3-1-03 Procedure for complaints of alleged discriminatory acts, policies or practices in the foster care or adoption process that involve race, color or national origin.

Effective: September 15, 2026

(A) Which agencies are to provide notice about discrimination complaint procedures to prospective foster or adoptive parent?

Each public children services agency (PCSA), private child placing agency (PCPA), and private noncustodial agency (PNA) is to provide a written notice of the procedure for filing complaints of discrimination involving race, color, or national origin (RCNO).

(B) When must the notice be provided to the prospective foster or adoptive parent?

The notice is to be provided within seven business days of the individual's first contact with the agency.

(C) Who can file a complaint concerning discrimination involving RCNO in the foster care or adoption process?

Any individual involved in the foster care or adoption process can file a complaint concerning allegations of discrimination involving RCNO in the foster care or adoption process including, but not limited to:

- (1) Employees or former employees of a PCSA, PCPA, or PNA.
- (2) A member of a family seeking to become a foster caregiver or adoptive parent.
- (3) A member of a family certified as foster caregivers or approved as adoptive parents.

(D) What can complaints include?

Complaints can include allegations of either of the following:

- (1) Discriminatory acts, policies, or practices involving RCNO by agency staff, administration or contractors.
- (2) Intimidation, threats, coercion, discrimination, or retaliation against an individual for making or supporting a complaint of alleged discrimination involving RCNO against an agency, agency staff or administration or an agency contractor.

(E) Through what agencies can an individual file a discrimination complaint?

The individual can file a complaint under this rule with any of the following agencies:

- (1) A PCSA;
- (2) A PCPA;



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(3) A PNA;

(4) The Ohio department of children and youth (DCY); or

(5) The Ohio department of job and family services-bureau of civil rights (ODJFS-BCR).

(F) What is required upon receipt of a discrimination complaint by an agency identified in paragraph (E) of this rule?

(1) If a PCSA, PCPA, PNA, or DCY receives the complaint, the complaint is to be forwarded to the ODJFS-BCR within three business days of the date of receipt.

(2) If ODJFS-BCR receives the complaint first, it must notify the agency involved and DCY within three business days. ODJFS-BCR will investigate the complaint. The agency that is the subject of the complaint is not to conduct its own investigation unless authorized by ODJFS-BCR.

(G) What form must be used to file a complaint?

Complaints must be filed using the JFS 02333 "Discrimination Complaint."

(H) What is the time limit for an individual to file a complaint?

A complaint is to be filed within two years from:

(1) The date on which the alleged discriminatory act occurred; or

(2) When the individual became aware of the alleged discriminatory act.

(I) Which agency conducts the investigation?

The ODJFS-BCR conducts the investigation. The agency named in the complaint may not conduct its own investigation or take any further action, unless approved by ODJFS-BCR.

(J) What is required from agencies during an investigation?

The PCSA, PCPA, PNA is to fully cooperate and provide any requested information within fourteen business days from the request, unless another timeline is agreed upon.

(K) What does the investigation by ODJFS-BCR include?

The investigation includes:



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- (1) Face-to-face interviews with the complainant, respondent, and relevant witnesses. Virtual interviews are acceptable if the interviewee agrees and suitable technological arrangements can be made without an undue burden on the interviewee.
- (2) Review of any records deemed relevant to the allegations, including but not limited to, records of the PCSA, PCPA or PNA related to the complainant and the child(ren) involved, if applicable.
- (3) Review and analysis of any applicable section of the agency's policies, any applicable section of Ohio Administrative code, any applicable section of Ohio Revised code and any applicable federal laws or regulations regarding discrimination based on RCNO.
- (4) A final investigation report issued within one-hundred and twenty-one calendar days of the receipt of the initial complaint, or longer, if unanticipated circumstances occur, in which case both parties will be notified. The report will document any findings of discrimination by the agency, agency staff or administration or agency contractor that amount to noncompliance of any of the agency's policies, or any state or federal policies, rules or laws described in paragraph (K)(3) of this rule.

(L) What if the PCSA, PCPA, or PNA is noncompliant with the investigation?

- (1) DCY may take any actions permitted under section 5101.24 of the Revised Code if a PCSA is noncompliant.
- (2) For noncompliance by a PCPA or PNA, DCY may take action concerning the agency's certificate pursuant to Chapter 5180:2-5 of the Administrative Code.

(M) What happens upon completion of the final investigation report?

Upon completion of the final investigation report, DCY is to determine if any action against a PCSA, PCPA or PNA is warranted due to the findings of noncompliance in the final investigation report issued by ODJFS-BCR.

(N) Are individuals protected from retaliation for filing a complaint or participating in an investigation?

Yes, individuals are protected from retaliation actions. No person who has filed a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of a PCSA, PCPA or PNA or who has testified, assisted or participated in any manner in the investigation of a complaint is to be



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intimidated, threatened, coerced, or retaliated against by any employee or contractor of the PCSA, PCPA, PNA or DCY.

(O) Can an individual file a federal complaint?

Yes, individuals may file a complaint with the United States department of health and human services (HHS), office for civil rights (OCR) alleging discrimination that involves RCNO in the foster care or adoption process of a PCSA, PCPA, PNA or DCY.

(P) Do other Ohio Administrative Code (OAC) rules apply to RCNO discrimination complaints?

No, rules 5180:2-33-20 and 5180:2-48-24 of the Administrative Code do not apply to RCNO discrimination complaints in the foster care and adoption process.